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5/2/03  
16**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
(Case No. 99,576-A)

PATENT

In the Application of:

Mohammad S. Nasir and  
Michael E. Jolley

Examiner: Deborah A. Davis

Serial No.: 09/903,061

Art Unit: 1641

Filed: July 11, 2001

For: Fluorescence Polarization-Based  
Homogeneous Assay For Deoxynivalenol  
In GrainsCommissioner for Patents  
Washington, D.C. 20231**RESPONSE TO OFFICE ACTION MAILED OCTOBER 17, 2002**

Dear Examiner:

In response to the Office Action mailed October 17, 2002, please consider the following remarks.

**REMARKS**

In the Office Action mailed October 17, 2002, the Examiner rejected claims 1, 4-6, and 9-11 under 35 U.S.C. 103(a) as being unpatentable over Nasir et al., *Combinatorial Chemistry & High Throughput Screening* ("Nasir") in view of Pestka et al., *Food Technology* ("Pestka"), rejected claims 2 and 7 under 35 U.S.C. 103(a) as being unpatentable over Nasir, in view of Pestka, and further in view of Michel et al., U.S. Patent No. 5,741,654 ("Michel"), and rejected

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Group Art Unit: 1641

**TRANSMITTAL LETTER**

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In regard to the above identified application,

1. We are transmitting herewith the attached:

- a) Response to Office Action Mailed October 17, 2002
- b) Return Receipt Postcard

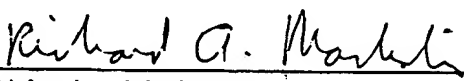
2. With respect to fees:

- a) Please charge any underpayment or credit any overpayment our Deposit Account, No. 13-2490.

3. CERTIFICATE OF MAILING UNDER 37 CFR § 1.10: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as Express Mail Service, **EV214220673**, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on this 17<sup>th</sup> day of January, 2003.

Respectfully submitted,

Date: January 17, 2003

  
Richard A. Machonkin  
Registration No. 41,962